

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DENNIS CAPPS,

Petitioner,

v.

CIOLLI,

Respondent.

Case No. 1:20-cv-00766-SAB-HC

ORDER GRANTING RESPONDENT'S
MOTION TO STAY

(ECF No. 28)

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Respondent has moved to stay the instant proceeding pending adjudication of Petitioner's 18 U.S.C. § 3582 motion for compassionate release, which is currently pending in the United States District Court for the Eastern District of Missouri. (ECF No. 28). To date, Petitioner has not filed any opposition or statement of non-opposition to the motion to stay, and the time for doing so has passed.

Both the 28 U.S.C. § 2241 petition before this Court and Petitioner's supplemental authority in support of his 18 U.S.C. § 3582 motion for compassionate release filed in the sentencing court raise similar issues regarding whether Petitioner's prior state convictions qualify for enhanced sentencing. See Notice, United States v. Capps, No. 1:11-cr-00108-AGF (E.D. Mo. Dec. 28, 2020), ECF No. 133.¹ The Court finds that the objective of judicial efficiency

¹ The Court "may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue." U.S. ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992) (internal quotation marks and citation omitted)). See also United

1 is served by staying the instant proceeding pending resolution of Petitioner's 18 U.S.C. § 3582
2 motion for compassionate release in the Eastern District of Missouri.²

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Respondent's motion to stay (ECF No. 28) is GRANTED; and
5 2. Respondent shall file a status report regarding Petitioner's pending 18 U.S.C. § 3582
6 motion and any appeal on or before February 1, 2022.

7
8 IT IS SO ORDERED.

9 Dated: **December 21, 2021**


UNITED STATES MAGISTRATE JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27 States v. Raygoza-Garcia, 902 F.3d 994, 1001 (9th Cir. 2018) ("A court may take judicial notice of undisputed
28 matters of public record, which may include court records available through PACER.").

² The Court notes, however, that such a stay should not be indefinite, and the Court may revisit the stay in the event
that resolution of the § 3582 motion is unduly prolonged.